

Beaver Dist

MEMO
BY:
Reid Jerman

3-29-34

RE: ~~GREEN~~ RIVER DIST.
ROCKY FORD IRR. COMPANY
1934 & 1935 assessments

The rate of assessment for distribution purposes on the Beaver River for 1934 and 1935 are as follows:

<u>PRIORITY</u>	<u>\$ PER SEC. FT.</u>
1870	4.00
1890	2.00
1903	1.00
Direct flow subsequent to 1903	.50
Power	.25
Storage	.01 per ac. ft.

The Rocky Ford Irrigation Company for the two years have been assessed as follows:

<u>DECREE NO.</u>	<u>PRIORITY</u>	<u>SEC. FT.</u>	<u>ASSESSMENT</u>
96 a	1870	9.67	38.68
96 b	1870	31.0	124.00
96 c	1890	9.5	19.00
96 d	1890	19.0	38.00
96 e	1903	5.0	5.00
*10,500 ac. ft. of storage at 1¢			105.00
Direct flow-prior ^{ty} subsequent to 1903, 300 sec. ft. inasmuch as this right was an unperfected right, the company was charged 2/3 the regular rate which equalled 200 sec. ft. at 50¢			100.00
<u>TOTAL</u>			<u>\$429.70</u>

*The capacity of the Rocky Ford reservoir is 28000 ac. ft. This company was assessed on the 10,500 ac. ft., this being the amount they had in storage on or about 1932. Rocky Ford Co. has filings pending for over 100,000 Ac.Ft. of water.

Sec. 2 of the Beaver River Decree, provides:

That the users from the Beaver River below the Patterson Dam shall not be entitled to demand any water from above said dam during the irrigation season from April 1 to October 31 until the rights herein decreed to the users from said river, at and above said dam, have first been satisfied in the amount of 161.30 sec. ft. and until the storage rights of the Kent Lake Reservoir Co., ~~and the~~ Beaver City in the Kent Lake Reservoir and the South Bench Reservoir and Irrigation Co. storage right in Twin-lake Reservoir, as herein decreed, have first been satisfied.

Nor shall the users from the Beaver River below the Patterson Dam be entitled to any water from any tributary including sloughs and drains of the Beaver River which enter the Beaver River below said Patterson Dam until the rights herein decreed to the users on each said tributary irrespective of priorities have first been satisfied to the extent water may be in each such slough, drain or tributary."

By virtue of the above quoted clause in the decree, this company, even though it has 74.17 sec. ft. of primary water, can not go above the Patterson Dam to get said water and the users diverting from the river and sloughs immediately below said dam, virtually control or divert all the water rising below said dam and above the Rocky Ford Reservoir with the result that the only water that reaches the reservoir is water, during the non-irrigation season, by virtue of the storage filings and the direct flow from the river during the flood stages. In the past few years, the water that has accumulated in the reservoir, has been only a small amount in excess of the 7,500 ac. ft. belonging to the Minersville Reservoir and Irrigation Company upon which they have been assessed, for distribution purposes, \$75.00 per year. It would therefore appear, in view of the fact that the decree is so drawn, that this company can not receive its water in years like the past, and especially only the diligence right that they should pay, as the schedule now provides, 1¢ per ac. ft. for 10,000 ac. ft. of storage water, and 50¢ per sec. ft. for the 300 sec. ft. of direct flow right with a priority subsequent to 1903, this making an assessment of the \$250.00 which is the same amount paid to date on the 1934 assessment.